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|---|--|---------------------------------|--------------------------|
| <p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <p>Fee Transmittal For FY 2006</p> | | <p>Complete if Known</p> | |
| | | Application Number | 09/890,425-Conf. #001812 |
| | | Filing Date | February 19, 2002 |
| | | First Named Inventor | Harold G. BROWN |
| | | Examiner Name | F. C. Prats |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Art Unit | 1651 |
| TOTAL AMOUNT OF PAYMENT | | (\$) | 620.00 |
| | | Attorney Docket No. | |
| | | 2059-0103P | |

METHOD OF PAYMENT (check all that apply)

| | | | | |
|--|--------------------------------------|--------------------------------------|-------------------------------|---|
| <input checked="" type="checkbox"/> Check | <input type="checkbox"/> Credit Card | <input type="checkbox"/> Money Order | <input type="checkbox"/> None | <input type="checkbox"/> Other (please identify): _____ |
| <input type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2448</u> Deposit Account Name: <u>Birch, Stewart, Kolasch & Birch, LLP</u> | | | | |

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s), under 37 CFR 1.16 and 1.17 Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| <u>Application Type</u> | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | |
|-------------------------|-----------------|---------------------|-----------------|---------------------|------------------|---------------------|-----------------------|
| | <u>Fee (\$)</u> | <u>Small Entity</u> | <u>Fee (\$)</u> | <u>Small Entity</u> | <u>Fee (\$)</u> | <u>Small Entity</u> | <u>Fees Paid (\$)</u> |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

Fee Description

| | | |
|--|-----|-----|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)** **Multiple Dependent Claims**
_____ _____ _____ _____ **Fee (\$)** **Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20.

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**
_____ - 100 = /50 (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 2801 Request for continued examination (RCE) (see 37 .
2252 Extension for response within second month

395.00

| | | | | |
|-------------------|---|--------------------------------------|--------|--------------------------|
| SUBMITTED BY | | | | |
| Signature |  | Registration No. (Attorney/Agent) | 32,181 | Telephone (703) 205-8000 |
| Name (Print/Type) | Marc S. Weiner | | Date | December 11, 2006 |



Docket No.: 2059-0103P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Harold G. BROWN et al.

Application No.: 09/890,425

Confirmation No.: 001812

Filed: February 19, 2002

Art Unit: 1651

For: A PHARMACEUTICAL COMPOSITION OF
COMPLEX CARBOHYDRATES AND
ESSENTIAL OILS AND METHODS OF
USING THE SAME

Examiner: F. C. Prats

PETITION FOR REFUND OF FEES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request refund for the Notice of Appeal filed on August 9, 2006 and for the two month extension of time filed on December 11, 2006. Applicants filed a Reply on May 10, 2006. Since Applicants did not receive an Advisory Action, Applicants called Examiner Prats on several occasions. Since Examiner Prats did not return the calls of Applicants' Representative, a telephone call was placed to the Examiner's Supervisor on July 27, 2006. The SPE advised the undersigned that Examiner Prats was on detail elsewhere and that this case would be reassigned to another Examiner. Applicants' Representative pointed out that this unfair delay was causing a small entity to pay for unnecessary extensions of time. Applicants' Representative again contacted the SPE about this matter and subsequently left a voice-mail for Examiner Blane Lankford on October 11, 2006. Applicants' Representative contacted Examiner Lankford on November 9, 2006 who indicated that an Advisory Action was on the way. Examiner Lankford also agreed to conduct an interview after final due to the unfortunate delay at the USPTO. Applicants' Representative called and left messages for both Examiner Lankford and his SPE on December 11, 2006. No Advisory Action was shown to be mailed on PAIR. It

is respectfully requested that the USPTO acknowledge their lack of timeliness in handling this application by refunding the fees for the Notice of Appeal and for the subsequent two month extension of time.

In view of the fact that the USPTO has taken no action over the past seven months and since it is readily apparent that absorbing a third month extension of time would not result in movement of this application, Applicants had no choice but to file an RCE.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: December 11, 2006

Respectfully submitted,

By 
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Attachment(s)